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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,928	08/22/2000	Guy Nathan	871-88	1262
23117 7590 04/19/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER LONSBERRY, HUNTER B	
			ART UNIT 2623	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			04/19/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/642,928	Applicant(s) NATHAN ET AL.	
	Examiner Hunter B. Lonsberry	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Sampat and Knowles can not be combined as Knowles teaches the use of a large jukebox, which is not a portable device. (Pages 7-8)

The Examiner disagrees. Claim 11 merely requires that the device be portable. While Knowles does disclose a large device, Knowles does not show being affixed to any surface and absent any integration with the ground may be moved thereby meeting the definition of portable. Therefore the combination of Sampat and Knowles does not teach away from one another.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampat et al (5,557,724) in view of U.S. Patent 5,481,509 to Knowles and U.S. Patent 5,319,455 to Hoarty.

Regarding Claims 11-15, and 17-21, Sampat a home digital audiovisual information recording and playback apparatus (col. 4 lines 40-60, col. 5 lines 25-35, user selected viewing channel, col. 13 lines 38-62, client receiving data and playing or recording),

A portable housing including a plurality of control buttons for enabling user input for controlling the audiovisual reproduction apparatus (figure 1, client 104 with keyboard, the housing showed is a computer housing does not show being affixed to any surface and absent any integration with the ground may be moved thereby meeting the definition of portable)

the apparatus having a set of electronic circuits managed by a central processor using a multitask operating system (col. 4 lines 53-60, Microsoft Windows operating system), the apparatus comprising displaying menus with user-selectable system operation options (fig. 2-9, col. 4 lines 47-53, user interface with options, col. 5 lines 40-62, program guide), enabling a selection of desired audiovisual information for reproduction (col. 5 lines 24-62, col. 6 lines 1-10, program guide allowing selection of media), effecting payment for the desired audiovisual information (col. 5 lines 63-67, col. 6 lines 1-2, credit card information), inputting a user personal identification number (col. 5 lines 55-61, entering personal password), downloading from a main server the desired audiovisual information only after payment has been effected and a valid personal identification number has been supplied (col. 7 lines 48-65, transmits digital data packets over network for receipt by client, col. 13 lines 40-58, network

interface of client receives data packets), and using the multitask operating system to reproduce audiovisual information during the downloading (col. 13 lines 58-63, col. 14 lines 23-25, concurrent playing of data while storing).

Sampat fails to teach the use of a touch screen, a plurality of directional controls for moving an indicator displayed on the display, an indicator for designating a user choice, a sensor for receiving information for controlling the audio visual reproduction apparatus from a remote control device, at least one operation button of said remote control device corresponding to at least one of said plurality of control buttons, a video output connector for connecting to at least one television.

Knowles discloses an audio video jukebox with touch screen capability (figure 1, column 3, lines 9-13, column 4, lines 7-12), a user may enable karaoke via the touch screen menu (figure 4a, 5, column 8, lines 23-35) thereby providing an easy to use interface, the touchscreen includes (figure 5), scrolling options for upwards and downwards directions as well as an indicator which designates user choices., the video output is connected to a TV (column 3, lines 1-2). A rotating sign board may be used to attract customers (column 4, lines 13-22).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Sampat to utilize the touch screen, television, and rotating sign board as taught by Knowles for the advantages of providing an easy to use interface, and attracting customers via the rotating sign board.

The combination of Sampat and Knowles fails to disclose the use of a sensor for receiving information for controlling the audiovisual reproduction apparatus from a remote control device, at least one operation button of said remote control device corresponding to at least one of said plurality of control buttons.

Hoarty discloses the use of a remote control keyboard device in figure 15-16, in which a user has a keyboard device which replicates the functionality of a regular keyboard and utilizes an IR sensor which receives the input from the keyboard, and includes a touch pad interface (column 12, lines 56-62), thereby providing an easy way to interact with the device and may be utilized as a universal remote control to interact with any device in range (column 15, line 60-column 16, line 38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Sampat and Knowles to utilize the universal remote control functionality and touch pad features as taught by Hoarty, for the advantage of being able to control any device in the area, and make use of the easy to use interface.

Regarding claim 16, the combination of Sampat, Knowles and Hoarty discloses utilizing a television display.

The combination of Sampat, Knowles and Hoarty fails to teach the use of an LCD display.

The Examiner takes official notice that the use of LCD displays are notoriously well known in the art. LCD's take up little space, weigh less than a conventional display device, and utilize less power.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Sampat, Knowles and Hoarty to utilize an LCD display to take advantage of the weight, space and power savings.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL


Hunter B. Lonsberry
Patent Examiner
Art Unit 2623